

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of M.J.C.R., Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

MICHAEL ALAN CLICK,

Respondent-Appellant,

and

DONNA MAE ROSEBROCK, f/k/a DONNA
CLICK,

Respondent.

UNPUBLISHED

May 22, 2001

No. 230007

Saginaw Circuit Court

Family Division

LC No. 00-026369-NA

In the Matter of M.J.C.R., Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

DONNA MAE ROSEBROCK, f/k/a DONNA
CLICK,

Respondent-Appellant,

and

No. 230082

Saginaw Circuit Court

Family Division

LC No. 00-026369-NA

MICHAEL ALAN CLICK,

Respondent.

In the Matter of J.A.R., Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

DONNA MAE ROSEBROCK, f/k/a DONNA
CLICK,

Respondent-Appellant.

No. 230083

Saginaw Circuit Court

Family Division

LC No. 90-020893-NA

Before: Holbrook, Jr., P.J., and Hood and Griffin, JJ.

MEMORANDUM.

In these consolidated appeals, respondents appeal as of right two family court orders terminating their parental rights to the minor children. Respondent father's parental rights were terminated as to his natural son pursuant to MCL 712A.19b(3)(b)(i), (g), and (j); MSA 27.3178(598.19b)(3)(b)(i), (g), and (j). Respondent mother's parental rights were terminated as to both of her children pursuant to MCL 712A.19b(3)(b)(ii), (g), and (j); MSA 27.3178(598.19b)(3)(b)(ii), (g), and (j). We affirm.

With regard to respondent father, the family court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). There was evidence that respondent father sexually abused his step-daughter and physically abused both children. Additionally, respondent father failed to contribute to the family's household expenses and squandered his time and money on Internet pornography sites. At the time of trial, there were criminal charges pending against respondent father for the sexual abuse allegations as well as possession of child pornography. Further, the evidence did not show that termination of respondent father's parental rights was clearly not in his child's best interests. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Thus, the family court did not err in terminating respondent father's parental rights to the child.

With regard to respondent mother, even if the family court erred in terminating respondent mother's parental rights under § 19b(3)(g), the error was harmless because the family court did not clearly err in finding that the remaining statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I); *In re Miller, supra*. The evidence indicated that respondent mother was in a position where she should have known of the sexual abuse, yet did nothing to prevent it. Additionally, respondent mother was well aware of the physical abuse of both children, and continued to reside with respondent father, thereby exposing the children to further abuse. Respondent mother also has a history of emotional and psychological problems, including several suicide attempts in front of the children. Finally, the evidence did not show that termination of respondent mother's parental rights was clearly not in the children's best interests. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re Trejo, supra*. Thus, the family court did not err in terminating respondent mother's parental rights to the children.

Affirmed.

/s/ Donald E. Holbrook, Jr.
/s/ Harold Hood
/s/ Richard Allen Griffin